

Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Middlesex County Registry of Deeds or Middlesex County Registry District of the Land Court, as applicable, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

9.4.37 Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

9.4.38 Change in Plans after Approval by PAA.

1. Minor Change. After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

2. Major Change Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

9.5 HOUSING OVERLAY DISTRICTS - OPTION PLANS I AND II (HOOP)

9.5.1 Purpose. This Section creates overlay districts in selected areas of the Town in order to enhance the public welfare by increasing the production of dwelling units affordable to persons and households of low and moderate income in a manner consistent with the character of the downtown area. In order to encourage utilization of the Town's remaining developable land in a manner consistent with local housing policies and needs, new housing developments in the HOOP Districts are required to contain a proportion of dwelling units affordable to persons or households of low and moderate income. This requirement will reduce sprawl by developing

3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For all Projects, compliance with condition (2) above shall include written confirmation by the Administering Agency that all Affordability requirements have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

9.4.33 Plan Disapproval. A Plan Approval application may be disapproved only where the PAA finds that:

1. The applicant has not submitted the required fees and information as set forth in the Regulations; or
2. The Project as described in the application does not meet all of the requirements and standards set forth in this Section and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
3. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

9.4.34 Waivers. Except where expressly prohibited herein, upon the request of the Applicant, the Plan Approval Authority may waive the dimensional and other requirements of this Section in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGO District, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section. The PAA is not obligated to render such waivers if it deems the project does not provide sufficient reason or benefit to the community.

9.4.35 Project Phasing. The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.

9.4.36 Form of Decision. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town

land that is underutilized and is located in Natick Center where public transportation is available. Development under the provisions of this By-law, or under G.L. Chapter 40B, Sections 20-23 is encouraged to take place in the HOOP Districts. It is desirable in these overlay districts to provide for: pedestrian areas within and between housing complexes; public parks; open space and additional open space resulting from placing parking under buildings or underground. The Planning Board shall be the SPGA.

9.5.2 Applicability. The provisions of this Section may be utilized on any land located within the HOOP - I and HOOP - II districts, subject to the requirements and standards set forth in this Section.

1. All regulations of the underlying zoning districts shall apply within the HOOP - I and HOOP - II Districts, except to the extent that they are specifically modified or supplemented by regulations set forth in this Section. Where requirements and standards within the HOOP - I and HOOP - II Districts, as set forth in this Section, differ from or conflict with applicable requirements and standards set forth elsewhere in this By-Law, the requirements and standards established for the HOOP - I and HOOP - II Districts shall take precedence.

2. The following uses are permitted in the HOOP-I and HOOP-II districts: Uses A.1, A.4, A.5, C.4, C.5, C.6, D.3 and D.4 in the Table of Use Regulations.

9.5.3 Density.

1. The maximum number of dwelling units allowed in the HOOP-I District shall equal the net land area which shall mean the gross area of the parcel divided by 2,500 square feet, rounded to the nearest whole number. At least fifteen percent (15%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein (see also the definition of Subsidized Housing herein).

2. The maximum number of dwelling units allowed in the HOOP-II District shall equal the net land area which shall mean the gross area of the parcel divided by 3,500 square feet, rounded to the nearest whole number. At least fifteen percent (15%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein (see also the definition of Subsidized Housing herein).

3. The number of dwelling units allowed in the HOOP-I and HOOP-II Districts may be limited by the ability to provide adequate off-street parking, in accordance with the requirements of Section 6.1 of these By-Laws.

9.5.4 Bonuses. Where the SPGA, in its discretion, finds that, in addition to the project's meeting the requirements under site plan review under Section 11.7 of this By-law, the following criteria are met for parcels in the HOOP-I District, then the maximum number of dwelling units

allowed shall equal the gross area of the parcel divided by 1,500 square feet, rounded to the nearest whole number, and where the SPGA, in its discretion, finds that, in addition to the project's meeting the requirements under site plan review under Section 11.7 of this By-law, the following criteria are met for parcels in the HOOPBII District, then the maximum number of dwelling units allowed shall equal the gross area of the parcel divided by 3,000 square feet, rounded to the nearest whole number. The criteria to be met are:

1. The Site Plan offers the Town a landmark project with area-wide benefits;
2. The Site plan demonstrates an overall planning concept and design of individual structures and parcels that is consistent and harmonious with the existing town center streetscape and character and which strengthens the town center's integral and vital role in the greater community;
3. The Site Plan includes a professional landscape plan with substantial planting;
4. The Site Plan includes a lighting plan that lights the project in a pedestrian-friendly, aesthetically pleasing manner;
5. The Site Plan includes other elements found beneficial by the Design Review Board.

9.5.5 Intensity Regulations. The following regulations shall apply:

	HOOP – I	HOOP -II
Minimum lot area (sq. ft.)	15,000	20,000
Minimum continuous frontage (ft.)	100	100
Minimum lot depth (ft.)	75	75
Minimum front setback (ft.)	10	10
Minimum side yard (ft.)	5	5
Minimum rear yard (ft.)	5	5
Maximum building coverage (%)	40	40
Maximum building height (ft.)	40	40
Minimum open space (%)	35	45

9.5.6 Open Space. The open space requirement may be met with the provision of publicly accessible parks and walking trails on or off-site and located within the HOOP - I or HOOP - II

district. Each square foot of land provided as a public park, not to include wetlands, shall count as 1.5 square feet of required open space.

9.5.7 Modification and Waivers. The SPGA may modify and/or waive strict compliance with one or more of the regulations in any of the HOOP districts provided that it makes a specific finding, in writing, that such waiver and/or modification will not create conditions which are substantially more detrimental to the existing site and the neighborhood in which the site is located, than if the waiver and/or modification were not granted, and further that such waiver and/or modification is necessary in order to encourage the creation of Affordable Housing units.

9.5.8 Affordability. Affordability shall be determined in accordance with the definition of Subsidized Housing found in Definitions. The Planning Board shall adopt rules and regulations regarding the sale or rental of all Affordable Housing units. Unless otherwise regulated by a Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the Affordable Housing units shall be initially offered to residents and/or employees of the Town of Natick. Residency and employment in Natick shall be established through Town Clerk certification.

1. All Affordable Housing units shall be maintained as such in perpetuity, or for as long as legally permissible, by the use of appropriate restrictions in deeds, lease provisions or other mechanisms as permitted under the Massachusetts General Laws and as approved by the SPGA.

9.5.9 Design Criteria. The Applicant shall submit plans for all buildings, landscaping, and structures to the Design Review Board, which shall submit a report to the Special Permit Granting Authority for consideration during its special permit hearing. The Design Review Board report shall include its determination regarding the extent to which the proposed development meets any or all of the criteria set forth herein, and whether the project shown on the Site Plan is designed, located and constructed to afford the following:

1. Compatibility of architectural styles, scales, building materials and colors within the development;
2. Variations in façade, roof lines and interior layouts of dwelling units, including the design of units that are handicapped accessible;
3. Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation; and
4. The capability for constant surveillance, orientation and recognition.

SECTION 10.0 HIGHWAY DISTRICTS

10.1 HIGHWAY MIXED USE I DISTRICTS (HM-I)

10.1.1 Purpose. The purpose of the HM-I Districts is to provide for large-scale development which may have an intermixture of office, industrial and/or commercial uses and to provide flexibility for creative land planning on large parcels of land along or near major highways.

10.1.1 General. Only those uses provided for below are permitted or allowed in a Highway Mixed Use I (HM-I) District. To the extent permitted by law, all other uses are prohibited.

10.1.3 Permitted Uses. The following uses are permitted as of right on all premises in HM-I Districts:

1. Any use permitted as of right in Industrial Two (IN-II) Districts.
2. Indoor Wireless Communications Facility (IWCF).
3. Uses A.1, A.4, A.5, C.4, C.5, C.6, D.3 and D.4 in the Table of Use Regulations.

10.1.4 Uses Allowed by Special Permit. The following uses are permitted on all premises in the HM-I District provided that a special permit is obtained from the Planning Board (SPGA) in accordance with the requirements of this By-law.

1. Any use permitted by a special permit in Industrial Two (IN-II) Districts.
2. Wireless Communications Facility, including only a BWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower.

10.1.5 Permitted Uses on Large Parcels. In addition to the foregoing uses, the following uses are permitted in HM-I Districts on premises with a minimum lot area in excess of 200,000 square feet and conforming to requirements of this Section hereinafter set forth:

1. Business or professional office or agency; bank or other financial institution; administrative office; clerical office; statistical office; establishment for research and/or development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;
2. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
3. Printing or publishing establishment;

4. Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages on the premises, and/or serving food and beverages and providing live or mechanical entertainment, and/or servicing customers outside of the building and/or serving premises of a hotel with or without accompanying entertainment, including without limitation all restaurants, cocktail lounges, room service facilities, and meeting and function rooms on hotel premises; provided any portion of a structure dedicated to such use is located at least one hundred (100) feet from the nearest residentially zoned district;

5. Library; museum;

6. Hotel; motel.

10.1.6 Special Permit Uses on Large Parcels. In addition to the foregoing uses, the following uses are permitted in HM-1 Districts on premises with a minimum lot area in excess of 200,000 square feet and conforming to the requirements of this Section provided a special permit is obtained from the Special Permit Granting Authority (SPGA) in accordance with the requirements of this By-law.

1. Indoor and/or outdoor amusement or recreational uses, excluding outdoor movie theaters, provided that any portion of a structure dedicated to such uses is located at least one (100) feet from the nearest residentially zoned district and that golf shall be by natural light only;

2. Private landing area to be used solely for the landing, taking off and storage of helicopters.

10.1.7 Intensity Regulations on Large Parcels. Where uses exist or are proposed which are permitted by Sections 10.1.4 and 10.1.5, the following intensity regulations shall apply in lieu of the intensity regulations set forth in Section 4.0. Where no such uses exist, the applicable intensity regulations and general requirements of Section 4.0.

Minimum lot area	200,000 square feet
Minimum continuous frontage	200 feet
Minimum depth	200 feet
Minimum front setback	85 feet (excluding staircases, ramps and other facilities required by law for the safe use of the structure)
Minimum side and rear yard	Where side yards or rear yards abut premises used for residential purposes, such yards shall

	maintain the following depth along said boundaries; 1.5 times the height of the structure located adjacent to said side yard or rear yard but not less than fifty (50) feet in width. There shall be excluded from the computation of side and rear yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure
Maximum building coverage	50% including accessory buildings
Maximum building height	75 feet

10.1.8 Open Space Requirements. A strip of landscaped open space at least four (4) feet in width shall be maintained at all side lot lines and rear lot lines. Along those portions of lot lines that abut residentially zoned districts, there shall be created and maintained a strip of landscaped open space of at least twenty (20) feet in width (including the foregoing strip) for any lot whose area is more than five (5) acres but less than ten (10) acres, with the ten (10) additional feet of width for each additional five (5) acres of lot area, but in no event shall it be required that any such open space be more than fifty (50) feet in width. Moreover, it shall not be required that any such open space be wider than the width of the respective existing side, rear or front yard of the premises, as the case may be, so long as such yard conforms with the requirements of these By-Laws. All such landscaped open spaces may be interrupted for pedestrian, vehicular and utility installation and access. All landscaping shall be constructed and maintained as provided in Section 6.3 of these By-Laws. No additional buffers shall be required under this Section at property lines at which the requirements of these By-Laws for landscaping adjacent to rights-of-way are satisfied.

10.1.9 Compliance of Structures in Existence on January 1, 1979. Notwithstanding the foregoing requirements, structures in existence on January 1, 1979, and improvements thereto, such as the addition of access and egress facilities, addition of new building facades and the addition of structural supports, shall be deemed to satisfy the requirements of (d) , (e) and (g) of this subsection. In addition, any structure in existence on January 1, 1979 may be altered and improved to a height in excess of seventy-five (75) feet so long as such alteration and improvement does not exceed the height of the highest portion of that structure in existence on January 1, 1979.

10.2 HIGHWAY MIXED USE DISTRICT (HM-II)

10.2.1 Purpose. The purpose of the HM-II Districts is to provide for large-scale development which may have an intermixture of office, residential and/or commercial uses and to provide flexibility for creative land planning on large parcels of land along or near major highways.